IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6224 of 2007()

CRIME NO.353/07 OF MANANTHAVADY POLICE STATION

: PETITIONER/ACCUSED NO.1

ABOOBAKCER SIDHIQUE @ MUTTANI,
S/O.MUHAMMED ,AGED 35 YEARS,
VENDATHODY HOUSE, CHARAMKUNNU,
KONDOTTY P.O.,MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE
MANANTHAVADY POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6224 of 2007

Dated this the 16th day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sections 279 and 308 I.P.C. Altogether there are 2 accused persons. The petitioner is the 1st accused. His employer is the 2nd accused. The accused persons were allegedly proceeding in a vehicle. The petitioner was at the wheels. The police party wanted the vehicle to be stopped. The vehicle was not stopped. It sped away. It was driven in a reckless and callous manner. It stopped ultimately when it hit against some of the pedestrians. The crime has been registered under Sections 279 and 308 I.P.C. The petitioner was arrested on 10.08.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations. At any rate, he cannot be mulcted with culpability under Section 308 I.P.C. The petitioner, who has remained in custody from 10.08.07 may now be enlarged on bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the said prayer and in the facts and circumstances of this case, to which I have made brief reference, I am satisfied, that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

4. In the result, this application is allowed. The petitioners shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-